

# **EXHIBIT AB**

*(New Exhibit AB)*

**Planning Commission Findings of Fact, Conclusions, and  
Recommendation to the Hearing Examiner**

**(April 14, 2021)**



# *Planning Commission Findings of Fact and Recommendations*

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## **PORT OF POULSBO BREAKWATER REPLACEMENT, MARINA EXPANSION, FLUPSY SHORELINE CONDITIONAL USE | SHORELINE SUBSTANTIAL DEVELOPMENT PERMIT TYPE III PERMIT**

**PLANNING FILE P-08-04-20-01 & P-08-04-20-02**

**April 13, 2021**

The Planning Commission, at a regularly scheduled public meeting on April 13, 2021, has reviewed and RECOMMENDED APPROVAL of the Port of Poulsbo Breakwater Replacement, Marina Expansion, and FLUPSY | Shoreline Conditional Use & Shoreline Substantial Development Permit, Planning File P-08-04-20-01 & P-08-04-20-02, which would permit the replacement of the dilapidated creosote treated timber pile and log boom breakwater with a refurbished concrete floating pontoon breakwater, expansion of the existing marina moorage with 11 new 50' grated finger floats and 11 new 30' grated finger floats, and a new floating restroom, and allow for the use of a FLUPSY in the Port of Poulsbo.

In reaching this conclusion, the Planning Commission followed the criteria under Shoreline Master Program Title 16 Section 16.09.140 General Review Criteria for All Shoreline Conditional Use Permits and Section 16.09.110 General Review Criteria for All Substantial Development Permits.

### **FINDINGS:**

#### **Shoreline Master Program: PMC 16.09.140 Shoreline Conditional Use Permit Breakwater**

Uses which are classified or set forth in the city's shoreline master program as conditional uses may be authorized provided that the applicant demonstrates all of the following:

- 1. That the proposal is consistent with the policies of RCW 90.58.020 and the city's shoreline master program.**

The analysis provided throughout the Staff Report demonstrates the proposal's consistency with the City's SMP and RCW 90.58.020. This criterion is met.

- 2. That the proposed use will not interfere with the normal public use of public shorelines.**

The proposal enables public use of public shorelines by providing a new 236' long grated public access float that is 8' wide and connects existing AA-Dock with the floating breakwater. Public access is discussed throughout the Staff Report and specifically analyzed in Section III.9.b on page 19. This criterion is met.

- 3. That the proposed use of the site and design of the project is compatible with other authorized uses within the area and with uses planned for the area under the city's comprehensive plan and shoreline master program.**



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Memos are prepared by the Engineering and Public Works Departments making these findings and are stated as Conditions of Approval in the Staff Report beginning on Page 36. Through these conditions required by the Engineering and Public Works departments, these criteria are met.

- 4. That the proposed use will cause no significant adverse effects to the shoreline environment in which it is to be located; and**

The Technical Memo provided as peer review from Anchor QEA, LLC (exhibit V) states that, “the large quantity of debris and pile removal would adequately compensate for the environmental impacts of the project and result in no net ecological loss of aquatic habitat function in Liberty Bay”. Review for adverse effects to the shoreline environment are analyzed throughout the Staff Report and particular in Section III.2.b on page 8. This criterion are met.

- 5. That the public interest will suffer no substantial detrimental effect.**

The Applicant’s Technical Memo: “PMC 16.09.140(B) Criteria Demonstration” responds to each of these criteria for this proposal, see Exhibit N, and addresses this criterion by stating that the proposal replaces critical infrastructure at an existing public marina facility and enables continued safe public use. This criterion is met.

### **Shoreline Master Program: PMC 16.09.140 Shoreline Conditional Use Permit FLUPSY**

Uses which are classified or set forth in the city’s shoreline master program as conditional uses may be authorized provided that the applicant demonstrates all of the following:

- 6. That the proposal is consistent with the policies of RCW 90.58.020 and the city’s shoreline master program.**
- 7. That the proposed use will not interfere with the normal public use of public shorelines.**
- 8. That the proposed use of the site and design of the project is compatible with other authorized uses within the area and with uses planned for the area under the city’s comprehensive plan and shoreline master program.**
- 9. That the proposed use will cause no significant adverse effects to the shoreline environment in which it is to be located; and**
- 10. That the public interest will suffer no substantial detrimental effect.**

The Applicant’s Technical Memo: “FLUPSY”, provided as Exhibit L, describes the FLUPSY and the provision for the increase parking demand this use would trigger. The applicant has stated that one parking stall near the C-dock gangway will be reserved for the FLUPSY related Suquamish Tribe use. Design of the FLUPSY is provided in the same memo from page 7 to 13. This use was analyzed in the Staff Report in Section III.8. This request has been determined to be consistent with the City of Poulsbo SMP, will not interfere with the normal public use of public shorelines, is compatible with other authorized uses within the area, will cause no significant adverse effects to the shoreline environment, and that the public interest will suffer no substantial detrimental effect. As proposed, the FLUPSY meets all criteria.



## ***Planning Commission Findings of Fact and Recommendation***

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### **Shoreline Substantial Development Permit: WAC 173-27-150 Marina Expansion**

The Washington Administrative Code (WAC) 173-27-150 provides review criteria for substantial development permits as follows:

11. A substantial development permit shall be granted only when the development proposal is consistent with:
  - a. The policies and procedures of the Shoreline Management Act;
  - b. The provisions of Chapter 173-27;
  - c. Chapter 16.08;
  - d. Any conditions attached by the city to the permit approval as necessary to ensure compliance with the Act and Chapter 16.08.

As analyzed in the Staff Report, the Port of Poulsbo Marina Expansion is consistent with the policies and procedures for the SMP because the use is water-dependent, provides public access, and will improve the water quality of Liberty Bay. This request has been determined to be consistent with the City of Poulsbo SMP and will be forward to the Department of Ecology for their review and final determination, per WAC 173-27. Pertinent sections of the PMC 16.08 relevant to Marina Expansions have been reviewed and determined to be consistent with those criteria. Conditions of Approval are provided as part of the Staff Report and SEPA Mitigations have been required. These criteria have been met.

### **CONCLUSION:**

The PLANNING COMMISSION has concluded that the Port of Poulsbo Breakwater Replacement, Marina Expansion, FLUPSY | Shoreline Conditional Use and Shoreline Substantial Development Permit is compliant with: 1) PMC 16.09.140 Shoreline Conditional Use Criteria, 2) SMP approval criteria dictated in WAC 173-27-150 Shoreline Substantial Development Permit approval criteria and all applicable requirements as detailed and set forth in the Staff Report and that in combination with the Conditions of Approval and SEPA MDNS Determination, the proposal meets the applicable approval criteria.

### **RECOMMENDATION:**

The PLANNING COMMISSION recommends APPROVAL to the Hearing Examiner the Port of Poulsbo Breakwater Replacement, Marina Expansion, and FLUPSY Shoreline Conditional Use and Shoreline Substantial Development Permit subject to the SEPA Mitigations and Conditions of Approval contained in the Staff Report under Planning File P-08-04-20-01 and P-08-04-20-02.

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RAY STEVENS  
Chairman, Poulsbo Planning Commission  
April 14, 2021